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*Attorneys for Defendant*  
APPLE INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

J.T. COLBY & COMPANY, INC. d/b/a BRICK  
TOWER PRESS, J. BOYLSTON & COMPANY,  
PUBLISHERS LLC and IPICTUREBOOKS LLC,

Plaintiffs,

- against -

APPLE, INC.,

Defendant.

Case No. 11-CIV-4060 (DLC)

ECF Case

**DEFENDANT'S NOTICE OF MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Declarations of Bonnie L. Jarrett, Esq., Dr. Gregory S. Carpenter, Philip G. Hampton, Esq., Dr. E. Deborah Jay, Siegrun D. Kane, Esq., and Dr. Stephen M. Nowlis, declared to on December 21, 2012, and the accompanying memorandum of law and 56.1 statement of undisputed facts, the undersigned will move before the Honorable Denise L. Cote, Judge of the District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, NY, at a time and place to be scheduled by this Court, for an order granting Defendant Apple Inc.'s ("Apple") motion for summary judgment to dismiss the Amended and Supplemental Complaint of Plaintiffs J.T. Colby & Co., Inc. d/b/a Brick Tower Press, J. Boylston & Co., Publishers LLC, and ipicturebooks LLC (collectively, "Plaintiffs") (the "Complaint"), in its entirety.

Date: December 21, 2012

Respectfully submitted,

*s/ Dale M. Cendali*

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